Summons in a Civil Action (Rev 11/97)

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

L & M TIRE COMPANY, a California corporation doing business as EXPRESS TIRE

vs

DN INVESTMENT GROUP, LLC, a New Jersey limited liability company, and DOES 1-10, inclusive

SUMMONS IN A CIVIL ACTION

Case No. 08 CV 0368 BTM LSP

TO: (Name and Address of Defendant)

DN INVESTMENT GROUP, LLC
14 HALLER ROAD
WEST ORANGE, NEW JERSEY 07052
THEODORE PODHORCER, AGENT FOR SERVICE OF PROCESS

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Scott L. Metzger (SBN 89718) / Douglas W. Lytle (SBN 178315)
Duckor Spradling Metzger & Wynne
3043 4th Avenue
San Diego, CA 92103 Phone: 619/209-3000

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr. — CLERK

MAR - 3 2008 — DATE

SEAL

R. MULLIN

By , Deputy Clerk

Summons in a Civil Action

::ODMA\PCDOCS\WORDPERFECT\14443\1 May 5, 1999 (11:34am)

RETURN OF SERVICE	
Service of the Summons and Complaint was made by me	DATE 3-3-08
NAME OF SERVER Michael Melillo Sr.	TITLE Process Server

Check one box below to indicate appropriate method of service

[X] Served personally upon the defendant. Place where served: 14 Hilton Av. W. Orange, NJ ON Investment Group, Accepted By Theodore Rodhorcer Personally.

[ ] Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:

Name of person with whom the summons and complaint were left: ____________

[ ] Return unexecuted:

[ ] Other (specify):

STATEMENT OF SERVICE FEES				
TRAVEL		SERVICES	TOTAL $0.00	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.

Executed on: 3-3-08 (Date) — Michael Melillo Sr. (Signature of Server)

Address of Server: 47 Bloomfield Ave. Caldwell, NJ. 07006

NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE

IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure